

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STEPHEN ARTHUR ROBINETTE,	)	
	)	
Petitioner,	)	
	)	1:17CV1132
v.	)	1:11CR400-1
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

On December 21, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 21, 22.) On January 8, 2018, Petitioner filed a premature "notice of appeal" which the court will treat as objections to the Recommendation. Petitioner's appeal is currently pending with the Fourth Circuit Court of Appeals.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Petitioner's document entitled "Motion to Amend the Judgment" (Doc. 20) is construed as a motion to vacate, set aside, or correct sentence pursuant to

28 U.S.C. § 2255, and that this action be, and is hereby,  
dismissed without prejudice to Petitioner promptly filing a  
corrected motion on the proper § 2255 forms, correcting the  
defects set out in the Order and Recommendation.

This the 16th day of January, 2018.

*William L. Ostun, Jr.*  
\_\_\_\_\_  
United States District Judge